

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Public Notice	)	
	)	
Common Carrier Bureau Seeks Comment on	)	NSD File No. L-99-62
The Connecticut Department of Public Utility	)	
Control's Petition for Delegation of Additional	)	
Authority to Implement Area Code	)	
Conservation Measures	)	
	)	
Implementation of the Local Competition	)	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996	)	

**COMMENTS OF THE PERSONAL  
COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA"),<sup>1</sup> hereby respectfully submits its comments on the *Public Notice* released by the Federal Communications Commission ("FCC" or "Commission") in the above-captioned proceeding.<sup>2</sup> PCIA has consistently supported a strong federal role in supervising a unified, nationwide numbering system that ensures that all

<sup>1</sup> PCIA is an international trade association established to represent the interests of the commercial and private mobile radio service communications industries and the fixed broadband wireless industry. PCIA's Federation of Councils includes: the Paging and Messaging Alliance, the PCS Alliance, the Site Owners and Managers Association, the Private Systems Users Alliance, the Mobile Wireless Communications Alliance, and the Wireless Broadband Alliance. As an FCC-appointed frequency coordinator for the Industrial/Business Pool frequencies below 512 MHz, the 800 MHz and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of FCC licensees.

<sup>2</sup> Public Notice, *Common Carrier Bureau Seeks Comment on the Connecticut Department of Public Utility Control's Petition for Delegation of Additional Authority to Implement Area Code Conservation Measures*, NSD File No. L-99-62, DA 99-1555 (released August 5, 1999). A Public Notice clarifying that comments on the *Petition* are due September 7, 1999, was released on August 10, 1999.

carriers are provided with an adequate supply of telephone numbers and has a significant interest in the captioned request.

The petition of the Connecticut Department of Public Utility Control (“CTDPUC”) seeks grant of additional authority from the Commission to: (1) establish mandatory thousands block number pooling, (2) reclaim “unused and reserved” NXX codes; and (3) audit the use of numbering resources. In addition to addressing the merits of each of the CTDPUC petition’s requested grants of additional authority, PCIA urges the Commission to recognize that grant of any or all of the requested relief could ultimately hinder, rather than help, efforts to promote efficient and effective number assignment and conservation policies and procedures on a *nationwide* basis. The Commission should especially refrain from granting any element of relief sought by the CTDPUC petition during the pendency of the agency’s effort in the *Numbering Resource Optimization* (“*NRO*”) proceeding to craft comprehensive, nationwide solutions to number administration and conservation issues.<sup>3</sup> PCIA urges the Commission to expeditiously and thoroughly consider the comments and reply comments submitted in the *NRO* proceeding before rendering a decision on the CTDPUC petition. Ideally, the FCC ought to arrive at decisions on the CTDPUC petition, as well as the other State petitions, only after the promulgation of a Report and Order in the *NRO* proceeding. In this manner, the Commission can best assure a nationwide consistency in numbering policy.<sup>4</sup> Alternatively, PCIA believes the

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<sup>3</sup> *Numbering Resource Optimization et al.*, Notice of Proposed Rule Making, CC Docket No. 99-200, RM No. 9258, NSD File Nos. L-99-17 & 99-36 (released June 2, 1999) (“*NRO NPRM*”). PCIA was an active participant in this major proceeding, filing Comments on July 30, 1999, and reply comments on August 30, 1999.

<sup>4</sup> PCIA has already filed numerous comments addressing the merits of other state petitions seeking additional authority on numbering issues. *See* Comments of PCIA on Public Notice, (Continued...)

Commission could consider rendering a quicker decision on the CTDPUc petition if it takes immediate action, during the pendency of the *NRO* proceeding, to (1) ensure the accuracy of information on which numbering decisions are based, (2) reclaim excess codes, and (3) employ “spot” audits beginning February 1, 2000. These quicker alternative steps would alleviate many of the underlying circumstances prompting the CTDPUc to seek additional relief, and would therefore permit the Commission to maintain a national framework for management of the numbering resource (which is required both as a matter of law and sound public policy) while addressing legitimate State concerns for numbering relief.

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*Common Carrier Bureau Seeks Comment on California Public Utilities Commission Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-98-136, DA 99-928 (filed June 14, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on a Petition of the California Public Utilities Commission and the People of California for a Waiver to Implement a Technology-Specific or Service-Specific Area Code*, NSD File No. L-99-36, DA 99-929 (filed June 14, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on Florida Public Service Commission Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-33, DA 99-725 (filed May 14, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on Maine Public Utilities Commission Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-27, DA 99-638 (filed May 3, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on New York Department of Public Service Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-21, DA 99-462 (filed April 5, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on Massachusetts Department of Telecommunications and Energy's Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-19, DA 99-461 (filed April 5, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on the Texas Public Utility Commission Petition for Delegation of Additional Authority to Implement Numbering Conservation Measures*, NSD File No. L-99-55 (filed August 16, 1999).

In addition, PCIA filed further comments cautioning that premature grant of state relief inconsistent with uniform federal guidelines should be avoided. See Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on State Utility Commission Requests for Additional Delegation of Additional Authority to Implement Telecommunications Numbering Conservation Measures*, NSD File Nos. L-98-136, L-99-19, L-99-21, L-99-27 & L-99-33, DA

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**I. THE COMMISSION MUST NOT PREMATURELY LIMIT THE AGENCY'S ABILITY TO MAINTAIN FEDERAL CONTROL OVER A UNIFIED SYSTEM OF NUMBERING ADMINISTRATION**

The Commission should not take any action at this time that will limit or restrict federal control over numbering administration. Grant of the CTDPU petition, in whole or in part, would inevitably and ultimately detract from the Commission's ability to promulgate final rules in the *NRO* proceeding that truly have nationwide applicability and effect. While the problems cited in the CTDPU petition represent real concerns and may warrant an early response, the Commission must ensure that any action on the proposed number conservation methods in the instant petition does not limit its ability to promulgate nationwide numbering policies. In particular, an unconstrained state-by-state approach will threaten the integrity of the unified nature of the national telecommunications infrastructure, contrary to the intent of Congress when it amended the Communications Act in 1996.

In the 1996 Telecommunications Act, Congress gave the Commission "exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States."<sup>5</sup> The Commission noted that Congress acted in this manner in recognition that "ensuring fair and impartial access to numbering resources is a critical component of encouraging a robustly competitive telecommunications market in the United States."<sup>6</sup> PCIA has consistently argued that the Commission should exercise this grant of jurisdiction because a national

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99-1198 (filed July 16, 1999).

<sup>5</sup> 47 U.S.C. § 251(e)(1).

<sup>6</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 19392, 19508 (1996) ("*Local Competition Second Report and Order*") , vacated in part *sub nom. California v. FCC*, 124 F.3d 934 (8th Cir. 1997), reversed in part *sub* (Continued...)

numbering policy is essential to the efficient provision of telecommunications service.<sup>7</sup> Against this background, the Commission should not take any action on the CTDPUc petition that will limit its ability to promulgate nationwide policies that ensure unfettered, fair, and nondiscriminatory access to telephone numbers for all carriers.

**II. CTDPUc's REQUEST TO ESTABLISH THOUSANDS-BLOCK NUMBER POOLING SHOULD BE DENIED; ALTERNATIVELY THE CTDPUc MUST CLARIFY THAT NON-LNP CARRIERS ARE EXEMPTED**

CTDPUc requests additional authority to implement its own mandatory thousands block number pooling requirements in advance of any federal promulgation of rules. The petition provides no details as to how the CTDPUc would implement thousands block pooling, nor does it reveal any methods or procedures that might be employed in the months ahead to ultimately conform Connecticut's proposed pooling functionality to any national framework implemented by the Commission.<sup>8</sup>

It is crucial to note that only by inference does the CTDPUc petition limit its request for mandatory thousands-block pooling to carriers capable of operating in a local number portability

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*nom., AT&T Corp. v. Iowa Utilities Bd.*, 119 S. Ct. 721 (1999).

<sup>7</sup> See, fn. 4, *supra*, as well as e.g., Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on Massachusetts Department of Telecommunications and Energy Petition for Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781, and 978 Area Codes*, NSD File No. L-99-17, DA 99-460 (filed April 5, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment On North American Numbering Council Letter Seeking Clarification of the Term 'Technology Neutral,'* DA 97-2234 (filed Oct. 29, 1997).

<sup>8</sup> PCIA recommends that the FCC's staff closely review the Reply Comments filed by USTA in the *NRO* proceeding. The USTA pleading comprehensively addresses the crucial policy and technical reasons why national authority must be maintained over number pooling and other conservation efforts, and why various State petitions must be rejected. See USTA Reply Comments at 4-15.

(LNP) environment. The petition provides no indication that the CTDPUc affirmatively recognizes that only carriers that are capable of porting numbers can provide services to their subscribers in a number-pooling environment in the same way as they can in a non-pooling environment. Importantly, the CTDPUc petition fails to note that broadband wireless carriers have until November 24, 2002 to implement LNP-capability, and that paging providers are exempted from participation in LNP, and hence cannot either contribute to or take numbers from a pool for the foreseeable future.

PCIA emphasizes that should the FCC decide to delegate pooling authority to the CTDPUc, that the grant of additional authority must contain an explicit provision stating the FCC's determination that non-LNP capable carriers cannot be ordered to participate in any number pooling trial. Further, non-LNP capable carriers should not be required to participate in reporting requirements designed to identify thousands-block codes that can be made available for number pooling as that would impose additional expense on these carriers without any benefit.

The CTDPUc petition makes no mention of how non-LNP capable carriers would obtain numbers in a pooling environment. It is crucial that any future pooling be implemented on a technology-neutral basis, with non-LNP capable carriers having a real ability to obtain the numbering resources they need. To that end, should the Commission delegate pooling authority to the CTDPUc, such grant must not include any number rationing measure that would preclude non-LNP capable carriers from receiving adequate numbering resources on a timely basis. Furthermore, if granted pooling authority, the CTDPUc must be required to continue to implement new codes as necessary to assure that carriers receive thousands-blocks from the Connecticut pooling administrator or full NXX codes from the Numbering Plan Administrator.

It is crucial that non-LNP capable carriers continue to receive full NXX codes from the Numbering Plan Administrator when requested.

PCIA also submits that the CTDPUc petition's emphasis on thousands-block number pooling ignores the fact that with comparatively high utilization rates, the wireless industry has fewer numbers to contribute to any pool. Further, PCIA urges the Commission to note that the multiplicity of rate centers in Connecticut would serve to seriously undercut any gains that might be provided from thousands-block number pooling.<sup>9</sup> PCIA respectfully submits that if the Commission considers acting affirmatively on the instant petition, that the CTDPUc be ordered to undertake significant rate center consolidation

### **III. CTDPUc's REQUEST TO IMPLEMENT ITS OWN CODE RECLAMATION AND AUDIT PROCEDURES MUST BE DENIED**

CTDPUc seeks authority to require reclamation to the code administrator of "unused" NXX codes or thousands-number blocks from carriers with "excess" number resources. These critical terms appear here in quotation marks because the petition does not define them. PCIA emphasizes that grant of the petition by the Commission could invariably lead to 50 or more individual jurisdictions establishing their own definitions of number terminology.<sup>10</sup>

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<sup>9</sup> Connecticut rate centers have been reduced only from 115 to 86. *See* Draft Decision, Docket No. 96-11-10, DPUC Review of Management of Telephone Number Resources in Connecticut, released August 17, 1999, at 2. Such meager rate center consolidation in one of the nation's smallest, most densely populated States, calls into question the efficacy of granting additional authority, such as mandatory pooling, reclamation of codes and audits, when measures subject to State control, such as consolidation of rate center boundaries, which can provide demonstrable number conservation gains, have not been aggressively pursued.

<sup>10</sup> The temptation of various States to periodically alter administrative numbering definitions so as to achieve pre-determined number conservation benchmarks will be great. As many wireless carriers operate on a national stage, potentially dealing with multiple State definitions subject to change at different times crosses the line from "burdensome" to become an "unacceptable" roadblock.

PCIA does not dispute the seriousness of Connecticut's concerns with NPA exhaust. However, the lack of definitions provided now by the CTDPU, and uncertainty as to what those definitions might be, underscores the importance of the FCC implementing uniform national numbering definitions and administrative criteria.

CTDPUC seeks additional authority to audit number assignment and utilization requirements. According to its petition, CTDPU aims to assure that only those applicants with "bona fide" needs for additional numbering resources obtain them. The petition does not address what audit scheme would be employed, how and whether sampling would be used, or a host of other procedural audit issues. PCIA believes that the possibility of States establishing their own audit mechanisms, each employing different guidelines, sampling frequencies and/or enforcement standards is unacceptable.<sup>11</sup>

In place of individual State audit procedures, PCIA advocates immediate FCC action to assure that data collection occurs within a national framework. In its pleadings submitted in the *NRO* proceeding, PCIA states that the time has come for existing optional or advisory number utilization criteria and guidelines to become mandatory. PCIA urges the adoption, on a nationwide basis, of mandatory number optimization methods that enjoy widespread support and that can be easily implemented.. These methods include immediate FCC adoption of the North American Numbering Council's endorsement of the Hybrid COCUS with semi-annual

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<sup>11</sup> The North American Numbering Council (NANC) established an Issue Management Group (IMG) to make recommendations concerning administrative issues raised in Paragraph 38 of the *NRO NPRM*. The IMG's August 24, 1999 report to the NANC, which was accepted by the NANC, stated: "If independent State action is deemed permissible, . . .the use of one uniform set of audit procedures and criteria will eliminate duplicate audits, ensure audits are performed uniformly across all SPs and jurisdictions and be easily understood by SPs and Regulators alike.



mandatory reporting. Such measures must be adopted on an expedited basis, even prior to conclusion of the *NRO* proceeding. In this way, both the North American Numbering Plan Administrator (NANPA) and the States will gain more accurate information about number utilization trends, fuller knowledge of which may obviate the concerns expressed by CTDPUc.

#### **IV. RAPID FCC ACTION ADDRESSING NUMBER UTILIZATION CRITERIA CAN MEET CTDPUc's CONCERNS WHILE MAINTAINING A UNIFORM NATIONAL NUMBERING REGIME**

As suggested by PCIA in a recent *ex parte* presentation to the Commission's Common Carrier Bureau, the FCC should take immediate steps to ensure the accuracy of information upon which numbering decisions are based. Expeditious FCC action, as outlined below, can meet the concerns expressed by the CTDPUc while maintaining a national approach to number resource optimization. PCIA urges the Commission to:

- ◆ Make effective immediately the mandatory reporting of information to the NANPA; and adoption of the Hybrid COCUS with LNP-capable carriers reporting at the thousands-block level.
- ◆ Adopt uniform definitions for reserve codes, available numbers, and other terminology so that reporting is consistent nationwide. Carriers should be required to begin reporting in this manner nationally starting in December 1999.
- ◆ Require carriers to return excess codes to NANPA by December 1, 1999.
- ◆ Grant the NANPA express authority to reclaim unused NXX codes and to deny codes to carriers who do not submit COCUS or do not meet utilization thresholds.
- ◆ Announce that "spot" audits to judge compliance with the FCC's rules may begin on February 1, 2000.

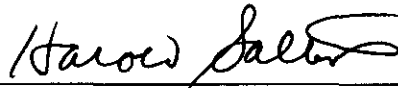
#### **V. CONCLUSION**

PCIA respectfully urges the Commission not to take any actions in response to the petition of the Connecticut Department of Public Utility Control that will limit the Commission's ability to promulgate pro-competitive, fair, and nondiscriminatory nationwide numbering policies

in response to the *NRO* proceeding. If additional authority is delegated, it must be done in a manner that does not jeopardize a national blueprint for number optimization.

Respectfully submitted,

**PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

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Dated: September 7, 1999

### **CERTIFICATE OF SERVICE**

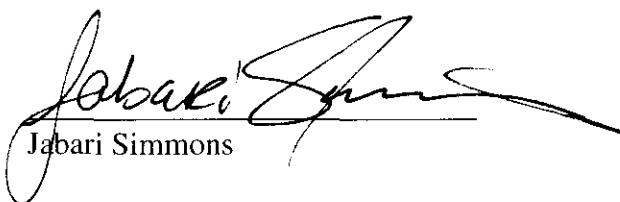
I, Jabari Simmons, do hereby certify that on this 7<sup>th</sup> day of September, 1999, a copy of the foregoing was served, by the method so described, to the parties listed below:

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